

REMARKS

Claims 1-17 are pending in the present application. With entry of this Amendment, Applicant amends claims 1-7, 9 and 11-14 and adds new claims 18 and 19. Reexamination and reconsideration are respectfully requested.

Claim 1

The Examiner rejected claim 1 under 35 U.S.C. § 102(e) as being anticipated by Duvall et al. (US 6166731). The rejection is respectfully traversed.

The present invention, as set forth in claim 1, is directed to a sound data recording/reproducing apparatus capable of editing sound data. Typically, records of individual editing operations are maintained. The management of keeping these records can be very complicated and laborious. In the present invention, once a track data is edited, the edited new track data and the original track data are both stored in the same storage device. This allows the track data before the edit to be easily readout and used as necessary.

Applicant has amended claim 1. Claim 1 recites a second storage device that stores track data comprising current track data and track history data. The track data includes information for designating, as partial sound data for reproduction, sound data in a first storage device and reproduction timing of the designated partial sound data. The apparatus further comprises a processor adapted to perform an editing operation for editing the current track data to create new current track data. The processor is further adapted to perform control to store the edited new current track data in the second storage device while leaving the current track data in the second storage device as track history data.

Duvall is directed to a method and apparatus for editing digitized audio/video data across a network. Fig. 2 illustrates an editing station 200 in communication with a plurality of remote stations. Fig. 7 illustrates that the editing station can access an A/V database 715. The user can edit a track on any station in the network (see, e.g., Col. 5, lines 14-28). The Examiner contends that

Duvall discloses audio data and edited track data being stored in different locations. Namely, the audio data is stored in storage device 715 while the edited track data can be stored in a different location (see, Office action at page 4, lines 2-4). However, Duvall does not disclose or suggest that edited track data is stored in a storage device while leaving the track data before the edit in the same storage device as track history data. Accordingly, Applicant respectfully submits that claim 1 is not anticipated by Duvall.

Claims 2-6

The Examiner rejected claims 2, 3 and 6 under 35 U.S.C. § 102(e) as being anticipated by Duvall. The Examiner rejected claims 4 and 5 under § 103(a) as being unpatentable over Duvall in view of Inoue et al. (US 6097557). The rejections are respectfully traversed.

Applicants have amended claims 2-6 in view of the amendments to claim 1.

Applicant respectfully submits that claims 2, 3 and 6 which depend from claim 1 are also not anticipated by Duvall for at least the reasons set forth above with respect to claim 1. Applicant notes that, for claim 6, the Examiner has cited an Official Notice which the Applicant respectfully traverses. The Applicant requests that the Examiner produce authority for the Notice.

With respect to claims 4 and 5, Inoue does not make up for the deficiencies of Duvall. Inoue discloses a technique of sequentially reproducing discretely-recorded data of a same track in accordance with link information (see, e.g., Col. 8, lines 5-60). Inoue does not disclose or suggest that edited track data is stored in a storage device while leaving the track data before the edit in the same storage device as track history data. Accordingly, Applicant respectfully submits that claims 4 and 5 are patentable over Duvall and Inoue.

Claims 7-8

The Examiner rejected claims 7-8 under § 102(a) as being anticipated by Inoue. The rejection is respectfully traversed.

Conventional recording/reproducing apparatuses have trouble reproducing sound data in a stable manner. The sound data is recorded in the apparatus on a cluster-by-cluster basis and, if any one of the clusters does not contain a sufficient quantity of sound data for a predetermined reproduction time, then the reproduction is unstable. The present invention, directed to an audio data recording/reproducing apparatus as set forth in claim 7, overcomes this problem by detecting if a particular quantity of audio data in a cluster is less than a certain amount. If it is, the apparatus combines the audio data of the cluster with the audio data of another cluster to obtain a combined audio data quantity more than the certain amount. The combined audio data is then reproduced instead of the cluster with the deficient quantity of audio data, thereby permitting stable reproduction.

Applicant has amended claim 7 to better claim the invention. For example, claim 7 recites a processor adapted to detect if the particular quantity of audio data is less than a second data quantity in at least one of the clusters. If so, the processor is adapted to combine audio data between at least two clusters to obtain combined audio data having a data quantity equal to or more than the second data quantity. Applicant has also amended claim 7 to recite that the processor is adapted to store the combined audio data "into a cluster for reproducing separate from the at least one cluster in said first storage device, wherein the combined audio data stored in the cluster for reproduction is reproduced instead of the one cluster during the sequential reproduction of the plurality of clusters based on the track data."

Inoue discloses a method in which audio data can be discretely recorded in accordance with link information (see, e.g., Col. 8, lines 5-60). During recording, if the recorded data is shorter than the previously recorded data, the redundant area is also used for recording (see, e.g., Col. 8, lines 24-27). In this manner, Inoue allows for sequential reproduction of audio data. However, there is no disclosure or suggestion in Inoue that, when a cluster has a deficient amount of sound data, a separately prepared cluster is reproduced rather than the cluster having the deficient amount of sound data. Accordingly, Applicant respectfully submits that claim 7 is not anticipated by Inoue.

Applicant respectfully submits that claim 8 which depends from claim 7 is also not anticipated by Inoue for at least the reasons set forth above.

Claims 9-11

The Examiner rejected claims 9-11 under § 102(a) as being anticipated by Inoue. The rejection is respectfully traversed.

Claim 9 is directed to an audio data recording/reproducing apparatus. Claim 9 recites that when a reproducing cluster is prepared for a particular cluster (perhaps, as discussed above, due to deficient amount of data), the reproduction device reads out and reproduces “the audio data from the reproducing cluster rather than from the particular cluster.” Inoue fails to disclose that a separately prepared reproducing cluster is reproduced in place of a particular cluster.

Applicant notes the Examiner’s citation to Col. 8, lines 15-24. This section, however, merely discloses that data is recorded discretely rather than in a continuous manner. There is no disclosure or suggestion in this section that a cluster prepared for a particular cluster is reproduced instead of the particular cluster. Accordingly, Applicant respectfully submits that claim 9 and its dependent claims 10 and 11 are not anticipated by Inoue.

Applicant notes that claims 9 and 11 has been amended to merely better claim the invention.

Claims 12-14

The Examiner rejected claims 12-14 under § 101 as directed to non-statutory subject matter. The preamble to claims 12-14 have been amended to set forth the operating environment of the claimed methods. It is believed that the amendments render the rejection under § 101 moot.

Applicants note for the record that the claims 12-14 as originally drafted were directed to statutory subject matter. First, Applicant respectfully disagrees with the Examiner’s contention that

the claims set forth “non-functional descriptive material.” This term is typically directed to music, literary works and compilations. The claims in contrast set forth functional material, because when the steps of the claims are performed by a computer, for example, they impart functionality. Second, the claims are directed to steps that produce something concrete, tangible and useful, e.g., obtaining a previous edit in an easy manner or providing stable audio reproduction.

The Examiner rejected claim 12 under § 102(e) as being anticipated by Duvall and rejected claims 13 and 14 under § 102(a) as being anticipated by Inoue. Applicant respectfully submits that claim 12 is not anticipated by Duvall for at least the reasons set forth above with respect to 1, that claim 13 is not anticipated by Inoue for at least the reasons set forth above with respect to claim 7 and that claim 14 is not anticipated by Inoue for at least the reasons set forth above with respect to claim 9.

Claims 15-17

Claims 15-17 depend from claims 12-14 respectively. The Examiner rejected claim 15 under § 102(e) as being anticipated by Duvall and rejected claims 16 and 17 under § 102(a) as being anticipated by Inoue. Applicant respectfully submits that claim 15 is not anticipated by Duvall for at least the reasons set forth above with respect to 12, that claim 16 is not anticipated by Inoue for at least the reasons set forth above with respect to claim 13 and that claim 17 is not anticipated by Inoue for at least the reasons set forth above with respect to claim 14.

Claims 18-19

Applicant has added new claims 18 and 19.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032028600.

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Respectfully submitted,

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